

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-1114-AIR-E    **TCEQ ID:** RN100216266    **CASE NO.:** 34174  
**RESPONDENT NAME:** Sunoco Pipeline L.P.

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Sunoco Coriscana Station Warehouse, 2100 South 15th Street, Corsicana, Navarro County</p> <p><b>TYPE OF OPERATION:</b> Crude oil storage</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 17, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney/SEP Coordinator: None  TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6162; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  Respondent: Mr. E. W. Nasalroad, District Supervisor, Sunoco Pipeline L.P., 2100 South 15th Street, Corsicana, Texas 75110  Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 28, 2006</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 23, 2007 (NOB)</p> <p><b>Background Facts:</b> This was a routine investigation. Two violations were documented.</p> <p><b>AIR</b></p> <p>1) Failed to maintain permitted emissions limits. Specifically, Sunoco exceeded the volatile organic compounds ("VOC") emissions of 25 tons per year for permit-by-rule facilities during the reporting period October 4, 2005 to October 3, 2006, on Tanks 2691, 2708, and 2733, resulting in a total VOC release of 30.6 tons [30 TEX. ADMIN. CODE §§ 106.263 and 106.4(a)(1), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to include all instances of deviations on a semiannual deviation report. Specifically, Sunoco failed to include the deviation for VOC exceedance on the October 4, 2005 to April 4, 2006 deviation report and on the October 4, 2005 to October 4, 2006 annual permit compliance report [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2) and 122.146(5)(C), Federal Operating Permit No. O-2688, General Terms and Conditions, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$6,000</p> <p><b>Total Deferred:</b> \$1,200  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,800</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit a complete and accurate semiannual deviation report for the October 4, 2005 to April 4, 2006 reporting period;</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification that the permit-by-rule emissions limits for VOCs are being met; or</p> <p>ii. Submit an administratively complete permit application to include the increased VOC emissions.</p> <p>c. If a permit application is submitted respond completely and adequately, as determined by the TCEQ, to all letters requesting information concerning the permit applications within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>d. If a permit application is submitted within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to construct and operate a source of air emissions has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained.</p> <p>The certifications and reports required by Ordering Provisions a., b.i., and d. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p>

Additional ID No(s): NB00240



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	11-Jun-2007	Screening	27-Jun-2007	EPA Due	14-Jan-2008
	PCW	5-Jul-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	Sunoco Pipeline L.P.		
Reg. Ent. Ref. No.	RN100216266		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	34174	No. of Violations	2
Docket No.	2007-1114-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Bryan Elliott
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

## TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History  Enhancement Subtotals 2, 3, & 7 Notes Culpability   EnhancementSubtotal 4 Notes Good Faith Effort to Comply  ReductionSubtotal 5 

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes 

Total EB Amounts	\$326
Approx. Cost of Compliance	\$3,000

0% Enhancement\*

\*Capped at the Total EB \$ Amount

Subtotal 6 

## SUM OF SUBTOTALS 1-7

Final Subtotal 

## OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment 

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Final Penalty Amount 

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty 

## DEFERRAL

 ReductionAdjustment 

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes 

## PAYABLE PENALTY

Screening Date 27-Jun-2007

Docket No. 2007-1114-AIR-E

PCW

Respondent Sunoco Pipeline L.P.

Policy Revision 2 (September 2002)

Case ID No. 34174

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100216266

Media [Statute] Air

Enf. Coordinator Bryan Elliott

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No change due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

<b>Screening Date</b> 27-Jun-2007		<b>Docket No.</b> 2007-1114-AIR-E		<b>PCW</b>																				
<b>Respondent</b> Sunoco Pipeline L.P.		<i>Policy Revision 2 (September 2002)</i>																						
<b>Case ID No.</b> 34174		<i>PCW Revision June 26, 2007</i>																						
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<b>Media [Statute]</b> Air																								
<b>Enf. Coordinator</b> Bryan Elliott																								
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>																						
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 106.263 and 106.4(a)(1) and Tex. Health &amp; Safety Code § 382.085(b)</div>																						
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 5px;">Failed to maintain permitted emissions limits. Specifically, Sunoco exceeded the volatile organic compounds ("VOC") emissions of 25 tons per year for permit-by-rule facilities during the reporting period October 4, 2005 to October 3, 2006, on Tanks 2691, 2708, and 2733, resulting in a total VOC release of 30.6 tons.</div>																						
<b>Base Penalty</b>					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$10,000</div>																			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																								
OR	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td><b>Release</b></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td>Actual</td> <td><div style="border: 1px solid black; padding: 2px;"></div></td> <td><div style="border: 1px solid black; padding: 2px; text-align: center;">x</div></td> <td><div style="border: 1px solid black; padding: 2px;"></div></td> <td rowspan="2" style="vertical-align: middle;"> <b>Percent</b> <div style="border: 1px solid black; padding: 2px; text-align: right;">50%</div> </td> </tr> <tr> <td>Potential</td> <td><div style="border: 1px solid black; padding: 2px;"></div></td> <td><div style="border: 1px solid black; padding: 2px;"></div></td> <td><div style="border: 1px solid black; padding: 2px;"></div></td> </tr> </table>						Harm				<b>Release</b>	Major	Moderate	Minor		Actual	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px; text-align: center;">x</div>	<div style="border: 1px solid black; padding: 2px;"></div>	<b>Percent</b> <div style="border: 1px solid black; padding: 2px; text-align: right;">50%</div>	Potential	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>
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<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;">Human health or the environment was exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.</div>																							
<b>Adjustment</b>					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$5,000</div>																			
					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$5,000</div>																			
<b>Violation Events</b>																								
<b>Number of Violation Events</b>		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>	<div style="border: 1px solid black; padding: 2px; text-align: center;">365</div> <b>Number of violation days</b>																					
<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; padding: 2px;"></div>	<b>Violation Base Penalty</b> <div style="border: 1px solid black; padding: 2px; text-align: right;">\$5,000</div>																					
	monthly	<div style="border: 1px solid black; padding: 2px;"></div>																						
	quarterly	<div style="border: 1px solid black; padding: 2px;"></div>																						
	semiannual	<div style="border: 1px solid black; padding: 2px;"></div>																						
	annual	<div style="border: 1px solid black; padding: 2px; text-align: center;">x</div>																						
	single event	<div style="border: 1px solid black; padding: 2px;"></div>																						
One annual event is recommended.																								
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>																					
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; padding: 2px; text-align: right;">\$282</div>	<b>Violation Final Penalty Total</b>		<div style="border: 1px solid black; padding: 2px; text-align: right;">\$5,000</div>																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$5,000</div>																			

**Economic Benefit Worksheet**

**Respondent** Sunoco Pipeline L.P.  
**Case ID No.** 34174  
**Reg. Ent. Reference No.** RN100216266  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or \$)	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	4-Oct-2005	5-Jan-2008	2.3	\$282	n/a	\$282

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is the earliest documented date of non-compliance and Final Date is the date of prospective compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$282

Screening Date 27-Jun-2007

Docket No. 2007-1114-AIR-E

PCW

Respondent Sunoco Pipeline L.P.

Policy Revision 2 (September 2002)

Case ID No. 34174

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100216266

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.145(2) and 122.146(5)(C), Federal Operating Permit No. O-2688, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include all instances of deviations on a semiannual deviation report. Specifically, Sunoco failed to include the deviation for VOC exceedance on the October 4, 2005 to April 4, 2006 deviation report and on the October 4, 2005 to October 4, 2006 annual permit compliance report.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

## &gt;&gt; Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
			X		10%

50% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1 365 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$44

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

**Economic Benefit Worksheet**

**Respondent** Sunoco Pipeline L.P.  
**Case ID No.** 34174  
**Reg. Ent. Reference No.** RN100216266  
**Media** Air  
**Violation No.** 2

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	4-Apr-2006	5-Jan-2008	1.8	\$44	n/a	\$44
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper record keeping and reporting procedures are followed, Date Required is the earliest documented date of non-compliance and Final Date is the date of prospective compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$44



## Compliance History

Customer/Respondent/Owner-Operator:	CN602373904	Sunoco Pipeline L.P.	Classification: AVERAGE	Rating: 2.90
Regulated Entity:	RN100216266	SUNOCO CORSICANA STATION WAREHOUSE	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS AIR OPERATING PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS	ACCOUNT NUMBER PERMIT PERMIT ACCOUNT NUMBER PERMIT AFS NUM	NB00240 1205 2688 NB00240 56420 4834900027	
Location:	2100 S 15TH ST, CORSICANA, TX, 75110		Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	June 26, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 26, 2002 to June 26, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Bryan Elliott	Phone:	239-6162	

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner?  
Sunoco Pipeline L.P.
4. If Yes, who was/were the prior owner(s)?  
Mobil Pipe Line Company  
ExxonMobil Pipeline
5. When did the change(s) in ownership occur?  
08/01/2005  
05/05/2006

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/26/2002	(8679)
2	08/13/2003	(148390)
3	08/16/2004	(289104)
4	03/28/2005	(374075)
5	06/07/2006	(460275)
6	04/19/2007	(532307)
7	05/30/2007	(561750)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SUNOCO PIPELINE L.P.  
RN100216266**

§        **BEFORE THE**  
§  
§        **TEXAS COMMISSION ON**  
§  
§        **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1114-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sunoco Pipeline L.P. ("Sunoco") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Sunoco appear before the Commission and together stipulate that:

1. Sunoco owns and operates a crude oil storage plant at 2100 South 15th Street in Corsicana, Navarro County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Sunoco agree that the Commission has jurisdiction to enter this Agreed Order, and that Sunoco is subject to the Commission's jurisdiction.
4. Sunoco received notice of the violations alleged in Section II ("Allegations") on or about April 28, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Sunoco of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Dollars (\$6,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Sunoco has paid Four Thousand Eight Hundred Dollars (\$4,800) of the administrative penalty and One Thousand



Two Hundred Dollars (\$1,200) is deferred contingent upon Sunoco's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Sunoco fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Sunoco to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Sunoco have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Sunoco has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, Sunoco is alleged to have:

1. Failed to maintain permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 106.263 and 106.4(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 28, 2006. Specifically, Sunoco exceeded the volatile organic compounds ("VOC") emissions of 25 tons per year for permit-by-rule facilities during the reporting period October 4, 2005 to October 3, 2006, on Tanks 2691, 2708, and 2733, resulting in a total VOC release of 30.6 tons
2. Failed to include all instances of deviations on a semiannual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2) and 122.146(5)(C), Federal Operating Permit No. O-2688, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 28, 2006. Specifically, Sunoco failed to include the deviation for VOC exceedance on the October 4, 2005 to April 4, 2006 deviation report and on the October 4, 2005 to October 4, 2006 annual permit compliance report.

## **III. DENIALS**

Sunoco generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Sunoco pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Sunoco's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sunoco Pipeline L.P., Docket No. 2007-1114-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that Sunoco shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit a complete and accurate semiannual deviation report for the October 4, 2005 to April 4, 2006 reporting period;
  - b. Within 30 days after the effective date of this Agreed Order, either:
    - i. Submit written certification, as described below, that the permit-by-rule emissions limits for VOCs, in accordance with 30 TEX. ADMIN. CODE. §§ 106.4 and 106.263 are being met; or
    - ii. Submit an administratively complete permit application to include the increased VOC emissions, in accordance with 30 TEX. ADMIN. CODE. § 116.110 to:

Air Permits Division, MC 162  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. If a permit application is submitted, in accordance with Ordering Provision No. 2.b.ii., respond completely and adequately, as determined by the TCEQ, to all letters requesting information concerning the permit applications within 30 days after the date of such requests, or by any other deadline specified in writing; and
- d. If a permit application is submitted in accordance with Ordering Provision No. 2.b.ii., within 180 days after the effective date of this Agreed Order, submit written certification, as described below, that either authorization to construct and operate a source of air emissions has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained;

The certifications and reports required by Ordering Provisions Nos. 2.a., 2.b.i., and 2.d. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:





"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certifications and reports shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2301 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Sunoco. Sunoco is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Sunoco fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Sunoco's failure to comply is not a violation of this Agreed Order. Sunoco shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Sunoco shall notify the Executive Director within seven days after Sunoco becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Sunoco shall be made in writing to the Executive Director. Extensions are not effective until Sunoco receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Sunoco in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.



7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Sunoco, or three days after the date on which the Commission mails notice of the Order to Sunoco, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Szolter  
\_\_\_\_\_  
For the Executive Director

12/14/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

E W Nasalroad  
\_\_\_\_\_  
Signature

10-12-07  
\_\_\_\_\_  
Date

E W Nasalroad  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Sunoco Pipeline L.P.

District Supervisor  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

